

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON MONDAY JANUARY 26, 2004  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: MICHAEL D. KOEHS, CLERK  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
KENNETH MEERSCHAERT, JR.  
CHARLES OLIVER

ABSENT: JOHN D. BRENNAN, SUPERVISOR

Also in attendance: James Gelios, Township Deputy Clerk  
Larry Dloski, Township Attorney  
Jack Dailey, Community Planning Consultant  
James Van Tiflin, Spalding DeDecker Associates Inc., Township  
Engineer (Additional attendance record on file with Clerk)

Call Meeting to Order

Clerk KOEHS called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

James Gelios, Macomb Township Deputy Clerk called the Roll. Supervisor BRENNAN absent.

**MOTION by DUNN seconded by BUCCI to refrain from calling the name of Supervisor John D. Brennan for all future Motions and Roll Calls for the meeting of January 26, 2004.**

**MOTION carried.**

2. Approval of Agenda Items (with any addenda's)

**MOTION by DUNN seconded by OLIVER to approve the agenda as amended.**

**MOTION carried.**

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3. Approval of Bills

**MOTION by OLIVER seconded by BUCCI to approve the Bills as submitted.**

**MOTION carried.**

4. Approval of the January 14, 2004 prior Meeting Minutes

**MOTION by DUNN seconded by MALBURG to approve the meeting minutes of January 14, 2004 as submitted.**

**MOTION carried.**

5. Department Monthly Reports
- a. Macomb County Sheriffs Department
  - b. Building Department
  - c. Fire Department
  - d. Water/Sewer Department
  - e. Parks and Recreation Department

**MOTION by DUNN seconded by OLIVER to approve the Department Monthly Reports as a consent agenda item.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit)

Kevin Karwowicz, a Township resident, addressed several of his concerns.

**NEW BUSINESS:**

7. Recommendation for Sanitary Sewer Diversion; Buckingham Village No. 2. Section 22.

James Van Tiflin, Township Engineer, reviewed the sanitary sewer diversion and recommended approval with the conditions addressed in their letter dated January 26, 2004.

Public Portion: None.

Petitioner Present: Guy Rizzo

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**MOTION by BUCCI seconded by OLIVER to approve the Sanitary Sewer Diversion for Buckingham Village No. 2 Section 22, contingent upon the addressed correspondence letter dated January 26, 2004 from Spalding DeDecker Associates, Inc.**

**MOTION carried.**

8. Request approval of the annual 2004 hourly schedule rate, Spalding DeDecker Associates, Inc.

James Van Tiflin, Township Engineer, reviewed the request.

Public Portion: None.

**MOTION by BUCCI seconded by DUNN to approve the annual 2004 schedule rate as follows:**

**MUNICIPAL CLIENTS**

**Hourly Basis Fee Schedule  
Effective January 1, 2004**

**PROFESSIONAL SERVICES**

**Where it is agreed that fees for our services will be based upon the time worked on the project, such fees will be computed at the following rates:**

<b><u>Classification</u></b>	<b><u>Hourly Rate</u></b>
<b>Department Manager</b>	<b>\$127.00</b>
<b>Project Manager</b>	<b>\$111.00</b>
<b>Senior Project Engineer/Senior Project Surveyor +</b>	<b>\$109.00</b>
<b>Project Engineer/Project Surveyor/Residential Project Representative</b>	<b>\$94.00</b>
<b>Project Accountant +</b>	<b>\$94.00</b>
<b>Operation &amp; Maintenance Specialist +</b>	<b>\$90.00</b>
<b>Engineer +</b>	<b>\$85.00</b>
<b>Designer/Mapping Specialist +</b>	<b>\$79.00</b>

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<b>Drafter/Technician/Engineering Assistant +</b>	<b>\$66.00</b>
<b>Two-person Survey Crew (Crew Chief &amp; Instrumentman w/truck and equipment) or Sewer Crew +</b>	<b>\$144.00</b>
<b>Additional Survey/ Construction Tech Assistants (if necessary) +</b>	<b>\$49.00</b>
<b>Construction Technician +</b>	<b>\$70.00</b>

**The Engineering/Surveying Officer, if necessary, would serve on special projects, Litigation, or as an expert witness at a rate of \$220.00 per hour.**

**+Overtime work will be charged at a rate equal to 1.3 times the indicated rate.  
“Overtime” is time worked in excess of 8 hours per day.**

**\*Hourly-Basis Fee Schedule to be adjusted annually.**

#### **REIMBURSEMENT EXPENSES**

**The following items are reimbursable to the extent of 110% of actual expenses (including subcontracting expense) accrued for the project:**

- 1. Special materials and equipment unique to the project.**
- 2. Printing and reproductions.**
- 3. Geotechnical Engineering and/or other subcontracted Services.**
- 4. Shipping and handling.**

**MOTION carried.**

- 9. Request approval of the 2004 CPI number engineering plan review, Spalding DeDecker Associates, Inc.**

James Van Tiflin, Township Engineer, reviewed the (540.41) 2004 CPI number.

Public Portion: None.

**MOTION by DUNN seconded by MALBURG to approve the 2004 CPI Number (540.41) engineering plan review, Spalding DeDecker Associates Inc.**

**MOTION carried.**

Addition:

- 9A. Request to Adopt the Traffic Code Ordinance**

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Larry Dloski, Township Attorney, reviewed the request and recommended to move forward.

Public Portion: None.

**MOTION by OLIVER seconded by MALBURG to adopt the Traffic Code Ordinance No. 223 amendments as follows:**

**FOR THIS MOTION: OLIVER, MALBURG, BUCCI, DUNN, KOEHS, MEERSCHAERT**

**OPPOSED: NONE.**

**ABSENT: BRENNAN**

**TOWNSHIP OF MACOMB**

**COUNTY OF MACOMB**

**ORDINANCE NO. 223**

**ADOPTION OF UNIFORM TRAFFIC CODE AMENDMENTS**

**Title**

An Ordinance securing the public health, safety and general welfare of the residents and property owners of Macomb Township, through the adoption of amendments to the Uniform Traffic Code, prescribing criminal penalties and civil sanctions for the violation thereof, and repealing all Ordinances and/or Resolutions in conflict therewith. Specifically, the amendments strengthen the drinking and driving laws such that a person will be considered intoxicated if he/she has a blood alcohol level of .08%. Additionally, the amendments reduce certain misdemeanors to civil infractions.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB,  
MACOMB COUNTY, MICHIGAN ORDAINS:**

**Section 1. Short Title.**

This Ordinance shall be known and cited as the Macomb Township Uniform Traffic Code Ordinance.

**Section 2. Adoption of Uniform Traffic Code by Reference**

**An Amendment to the Code of Ordinances, Section 223, Uniform Traffic Code, an Ordinance enacted pursuant to MCL 257.951-257.955 and MCL 42.15, 42.23 and 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages, as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq), and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective, and to adopt by reference the Michigan Vehicle Code, 1949 PA 300, as amended, (MCL 257.1 to 257.923) and all future amendments and revisions to the Michigan Vehicle Code, and to repeal all Ordinances or parts of Ordinances in conflict herewith.**

**Section 3. Adoption of Provisions of Michigan Vehicle Code by Reference**

**Ordinance No. 223 The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this State are incorporate by reference. All references in said Michigan Vehicle Code to “local authorities” shall mean the Township of Macomb.**

**Section 4. Penalties.**

**Ordinance No. 223 The penalties provided by the Uniform Traffic Code and Michigan Vehicle Code adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance, provided, however, that the Township of Macomb may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.**

**Section 5. Repeal of Conflicting Provisions.**

**All Ordinances or parts of Ordinances in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.**

**Section 6. Severability.**

**If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance, the Uniform Traffic Code, or Michigan Vehicle Code adopted by reference is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance or Uniform Traffic Code or statutory provision adopted by reference, being the intent of the Township that this Ordinance be fully severable; provided that if a court of**

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competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

**Section 7. Publication.**

A true copy of this Ordinance or summary thereof shall be published in the Thursday, February 5, 2004 Macomb Daily, a newspaper of general circulation in the Township of Macomb. A complete copy of the Code is available for inspection by the public at the Township Clerk's office.

**Section 8. Effective Date.**

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided in Section 7.

**CERTIFICATION OF TOWNSHIP CLERK**

I hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 26th day of January, 2004.

I hereby further certify that the following Township Board Members were present at the meeting:

Michael D. Koehs, Marie M. Malburg, Dino Bucci, Jr., Janet Dunn, Charles Oliver, Kenneth Meerschaert, Jr.,

and the following Township Board Members were absent:

John D. Brennan

I further certify that Member OLIVER moved for the adoption of the Ordinance, and that Motion was supported by Member MALBURG.

I further certify that the following Macomb Township Board Members voted for the adoption of the Ordinance.

OLIVER, MALBURG, BUCCI, DUNN, KOEHS, MEERSCHAERT

and that the following Macomb Township Board Members voted against adoption of the Ordinance:

NONE.

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**Michael Koehs, Clerk**  
**Township of Macomb**

**RESOLUTION DECLARED ADOPTED**

**MOTION carried.**

Addition:

9B. Temporary Certificate of Occupancy; Home Depot Building Section 34.

Clerk KOEHS reviewed the request.

Public Portion: None.

Petitioner Present: Tim Graves of W-3 Construction

**MOTION by BUCCI seconded by OLIVER to approve the Temporary Certificate of Occupancy; Home Depot Building for a time period of six months.**

**MOTION carried.**

Addition:

9C. Partial Occupancy of Area D; St. Isidore Catholic Church

Clerk KOEHS reviewed the request.

Petitioner Present: Bob Root

**MOTION by DUNN seconded by MALBURG to approve the Partial Occupancy of Area D; St. Isidore Catholic Church for a time period of six months.**

**MOTION carried.**

**BUILDING DEPARTMENT:**

10. Request permission for the Building Official, employee Jim Smith and four (4) Building Department Inspectors to attend the Building Officials Conference of Michigan.

Bob Beckett, Building Department Official, reviewed the request.

Public Portion: None.

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**MOTION by MEERSCHAERT seconded by MALBURG to approve the request for Bob Beckett, Township Building Official, employee Jim Smith and four (4) Building Department Inspectors to attend the March 2004 Building Official Conference of Michigan in the amount of Two Thousand Eight Hundred Nine dollars and 92/100 (\$2,809.92) plus mileage and food.**

**MOTION carried.**

**FIRE DEPARTMENT:**

11. Request permission to remount Rescue One body.

Ray Ahonen, Township Fire Department Chief along with Scott Patchin, CSI Emergency Apparatus, LLC Sales Manager, addressed the issue.

Public Portion: None.

**MOTION by OLIVER seconded by DUNN to approve the remount of the CSI Body for the amount of Seventy One Thousand Sixty Seven dollars and 00/100 (\$71,067.00).**

**MOTION carried.** *Trustee MEERSCHAERT opposed.*

12. Request permission to start the hiring process for additional Paid on Call Fire Fighters.

Ray Ahonen, Township Fire Department Chief, reviewed the request.

Public Portion: None.

**MOTION by DUNN seconded by BUCCI to approve the request to start the hiring process for up to ten (10) paid on call Fire Fighters.**

**MOTION carried.**

13. Request permission for Captain David Myny to attend the Fire Inspector Continuing Education.

**MOTION by BUCCI seconded by MALBURG to approve the request for Captain David Myny to attend the Fire Inspector Continuing Education at the Kellogg Hotel & Conference Center, Michigan State University, East Lansing Michigan which includes the Conference Cost for the amount of One Hundred Fifty Five dollars and 00/100 (\$155.00), the Hotel Room charge for the amount of Eighty Nine dollars and 25/100 (\$89.25) as submitted.**

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**MOTION carried.**

**HUMAN RESOURCE DEPARTMENT:**

14. Salary review

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None.

**MOTION by DUNN seconded by OLIVER to approve the 2004 Salary Schedule as follows:**

**Ayes: DUNN, OLIVER, BUCCI, MEERSCHAERT, KOEHS.**

**Nays: None.**

**Absent: BRENNAN**

**Macomb Township  
Pay Increases  
Non-Union Employees  
For Year 2004**

<b>Position</b>	<b>2003</b>	<b>2004</b>	<b>Notes</b>
<b>Co-Op Students</b>			
<b>Sophomore</b>	<b>8.00</b>	<b>7.50</b>	<b>Adjusted to surrounding schools</b>
<b>Junior</b>	<b>8.00</b>	<b>8.00</b>	
<b>Senior</b>	<b>8.00</b>	<b>8.50</b>	
<b>Fire Chief</b>	<b>69,000.00</b>	<b>71,070.00</b>	<b>3.0 %</b>
<b>Deputy Clerk</b>	<b>52,250.00</b>	<b>55,917.00</b>	<b>See Note #1</b>
<b>Deputy Treasurer</b>	<b>52,250.00</b>	<b>55,917.00</b>	<b>See Note #1</b>
<b>Supervisor</b>	<b>70,000.00</b>	<b>72,100.00</b>	<b>3.0 %</b>
<b>Clerk</b>	<b>65,000.00</b>	<b>66,950.00</b>	<b>3.0 %</b>
<b>Treasurer</b>	<b>65,000.00</b>	<b>66,950.00</b>	<b>3.0 %</b>

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<b>Board of Trustees</b>	<b>7,400.00</b>	<b>7,622.00</b>	<b>3.0 %</b>
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<b>All other Boards and &amp; Commissions</b>	<b>No Increase</b>
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**Note # 1      The Deputy Officials were given a one-time wage adjustment of \$2,100.00 in lieu of overtime and being taken off the time clock.**

**Note # 2      Fire Captains and Paid-on-Call firefighters are currently negotiating their contracts.**

**MOTION carried.**

15.      Request approval for Family Medical Leave Act (FMLA)

John Brogowicz, Human Resource Director, reviewed the request.

**MOTION by BUCCI seconded by MALBURG to approve the FMLA request for Beckie Kavanagh, a Township Employee, under the guidelines recommended by the Township Attorney.**

**MOTION carried.**

16.      Signage proposal for the Township Hall Building

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None.

**MOTION by DUNN seconded by OLIVER to approve the signage proposal through Innerface Sign System, Inc., for Township Office Building interior signage including Wayfinding / Code Signage, Fire Evacuation / No Smoking, and Office Identification that is compliant with regulatory requirements as well as informational, for the amount of Seven Thousand Five Hundred Forty Three dollars and 00/100 (\$7,543.00).**

**MOTION carried.**

**WATER/SEWER DEPARTMENT:**

17.      Approval of Pay Certificate #1; 21 Mile and Card Road Sanitary Sewer Extension & Pump Station Abandonment, MA01-032, Pamar Enterprises Inc.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

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Public Portion: None.

**MOTION by BUCCI seconded by MALBURG to approve the payment of Pay Certificate No. 1; 21 Mile Road and Card Road Sanitary Sewer Extension & Pump Station Abandonment, MA01-032, Pamar Enterprises, Inc. total cost of One Hundred Ninety Five Thousand One Hundred Sixty dollars and 50/100 (\$195,160.50).**

**MOTION carried.**

18. Approval of DTE Energy Easement for Macomb Town Center and Recreation Center

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None.

**MOTION by BUCCI seconded by MALBURG to approve the DTE Energy Easement for the Township Town Center and Recreation Center and authorize the Township Supervisor to sign the agreement.**

**MOTION carried.**

19. Approval of Confined Space Training and Refresher Courses

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None.

**MOTION by MALBURG seconded by DUNN to approve the request to send four recently hired employees to the Argus Group for Confined Space Training. Additionally, send sixteen employees to the Confined Space refresher training course for the total amount of One Thousand Eight Hundred Eighty dollars and 00/100 (\$1,880.00).**

**MOTION carried.**

**BOARD COMMENTS:**

20. Supervisor Comments: None.

21. Clerk Comments:

*Addition:*

- 21A. Purchase of Assessment Notices 2004

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Clerk KOEHS reviewed the request.

**MOTION by DUNN seconded by MALBURG to approve the purchase for Assessment Notices for the Township Assessing Department for the amount of Two Thousand Four Hundred Eight dollars and 90/100 (\$2,408.90).**

**MOTION carried.**

22. Treasurer Comments: None.

23. Trustees Comments:

**EXECUTIVE SESSION:**

24. Landtec v Macomb Township

*Tabled at the petitioners request.*

**ADJOURNMENT:**

**MOTION by DUNN seconded by MEERSCHAERT to adjourn the meeting at 7:56 p.m.**

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary  
MDK/gmb